

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

26781 7590 09/19/2006

BROUSE MCDOWELL LPA  
388 SOUTH MAIN STREET  
SUITE 500  
AKRON, OH 44311

10/13/2006 HBELETE2 00000078 501210 10826992

01 FC:2501 700.00 DA  
02 FC:1504 300.00 DA

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

DEATHER M. BARNES (Depositor's name)  
DEATHER M. Barnes (Signature)  
OCT 10, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,992	04/19/2004	Kim M. Parmater	31419.26003	3488

TITLE OF INVENTION: EXERCISE APPARATUS AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	\$1000	12/19/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEWIN, ALLANA	3764	482-123000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

BROUSE MCDOWELL  
DEATHER M. BARNES  
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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☒ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 504210 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature DEATHER M. Barnes  
Typed or printed name DEATHER M. BARNES

Date 10/10/06  
Registration No. 44,022

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Kim A. Parmater  
FOR : **EXERCISE APPARATUS AND METHOD**  
SERIAL NO. : 10/826,992  
FILED : April 19, 2004  
LAST OFFICE ACTION : April 6, 2006  
EXAMINER : Allana Lewin  
GROUP ART UNIT : 3764  
ATTORNEY DOCKET NO. : 31419.26003

Akron, Ohio 44308-1471  
Customer #26781

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**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that the documents referred to as attached herein are being deposited with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label Number **EV834299237US**, addressed to: Mail Stop **ISSUE FEE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date.

OCT 10, 2006

Debra L. Klapp  
Debra L. Klapp

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**TRANSMITTAL OF FORMAL DRAWINGS AND ISSUE FEE**

Mail Stop **ISSUE FEE**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. In response to the Notice of Allowability dated September 19, 2006 applicant encloses Issue Fee Transmittal form authorizing the Commissioner to charge Deposit Account No. 501210 in the amount of \$1,000.00 to cover the issue fee and publication fee, as requested.

**ASSERTION OF SMALL ENTITY UNDER 37 CFR 1.27**

Applicant hereby asserts that it is a small business concern and, thus, is entitled to pay only small entity fees.

Please charge any additional fees or credit payment to Deposit Account No. 501210.

Applicant hereby requests any additional extensions of time that may be necessary and authorize extension of time fees to be charged to Deposit Account No. 501210.

Respectfully submitted,

**BROUSE MCDOWELL**

10/10/06  
Date

Telephone No.: (330) 535-5711  
Fax No.: (330) 253-8601

Heather M. Barnes  
Heather M. Barnes  
Reg. No. 44,022  
Customer #26781